

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME PARKS.
4. SHOPPING CENTERS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and an aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1976 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1976 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Erwin shall be governed by Ordinance #383, titled "Zoning Ordinance, Erwin, Tennessee," and any amendments thereto.¹

¹Ordinance #383, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

The town's subdivision regulations are also published as a separate document which is of record in the recorder's office.

CHAPTER 3

MOBILE HOME PARKS

SECTION

- 14-301. Permit required.
- 14-302. Definitions.
- 14-303. General plan requirements.
- 14-304. Development standards.
- 14-305. Permits.
- 14-306. Inspection of mobile home parks.
- 14-307. Enforcement.
- 14-308. Responsibilities of the management.

14-301. Permit required. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of Erwin, Tennessee, unless mobile home parks are a permitted use within the district and a valid permit is issued by the building inspector in the name of such person for the specific construction, alteration or extension proposed. (1976 Code, § 5-601)

14-302. Definitions. (1) "Accessory structure." Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, storage cabinets, and similar appurtenant structures.

(2) "Buffer strip." Shall mean a plant material or other material as may be approved by the Erwin Planning Commission which will provide a screen not less than six (6) feet in height.

(3) "Building inspector." Shall mean the building inspector of Erwin, Tennessee, or his authorized representative.

(4) "Electrical inspector." Shall mean the electrical inspector of Erwin, Tennessee, or his authorized representative.

(5) "Health officer." Shall mean the health officer of Erwin, Tennessee, or his authorized representative.

(6) "Lot area." The total area reserved for exclusive use of the occupants of a mobile home.

(7) "Lot line." The total area reserved for exclusive use of the occupants of a mobile home.

(8) "Mobile home." A detached single-family unit with all of the following:

- (a) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels or on a flatbed or other trailer or detachable wheels.

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(9) "Mobile home park." Shall mean any plot of ground containing a minimum of two (2) acres upon which two (2) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

(10) "Permanent buildings." A building, except a mobile home, or accessory structure.

(11) "Permit." A written document issued by the enforcing agent permitting the construction, alteration, or expansion of a mobile home park.

(12) "Plumbing inspector." Shall mean the plumbing inspector of Erwin, Tennessee, or his authorized representative.

(13) "Private drive." A private way which affords the principal means of access to abutting individual mobile home lots and auxiliary buildings.

(14) "Public street." A public way which affords the principal means of access to abutting properties.

(15) "Shall." Indicates that which is required. (1976 Code, § 5-602)

14-303. General plan requirements. The owner or lessee of the property proposed for a mobile home park shall submit a plan for development to the Erwin Planning Commission for approval. All applications shall contain the following:

- (1) Name and address of applicant.
- (2) Location and dimensions of proposed park.
- (3) The park plan, drawn to scale, showing the following:
 - (a) The number, location, and size of all mobile home lots.
 - (b) The location and widths of roadways and walkways.
 - (c) The location of water and sewer lines.
 - (d) The location and dimensions of any proposed service buildings.
 - (e) The location of all equipment and facilities for refuse disposal and other park improvements.
 - (f) A plan for drainage of the park.
 - (g) The location and details of lighting and electrical systems.
 - (h) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.
 - (i) Certificates and signatures of the health officer and buildings, housing, electrical, plumbing, and fire inspectors.
 - (j) A certificate for planning commission approval.

(k) Any other information deemed pertinent by the planning commission.

When upon review of the application, the planning commission is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued. (1976 Code, § 5-603)

14-304. Development standards. (1) General. (a) Location. A mobile home park shall be located only within a district designated for the use by the zoning ordinance.

(b) Physiography. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences, and no portion subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

(2) Objectives. (a) Site planning improvements. Site planning improvements shall provide for facilities and amenities appropriate to the needs of the occupants.

(b) Conditions. Safe, comfortable, and sanitary use by the occupants under all weather conditions.

(3) Recreation area. Not less than ten (10) percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location.

(4) Buffer strips. The planning commission may require buffer strips along the side, rear, and front lot lines of the park.

(5) Density. The mobile home park shall contain not more than eight (8) individual mobile home spaces per gross acre, provided, however, all other standards are met.

(6) Driveways. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways, or other means.

(7) Entrance drives. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow movement of traffic. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning. The location and design of entrance streets shall be approved by the planning commission.

(8) Pavement widths. Twenty-eight (28) foot width, or where two off-street parking spaces are provided for each lot.

(a) Entrance drives. Twenty-four (24) foot width where two (2) off-street parking spaces are provided for each lot.

(b) Collector drives. Twenty-four (24) foot width.

(c) Minor drives. Twenty (20) feet.

(d) Loop or cul-de-sac serving 15 lots or less. Twenty (20) feet.

(9) Improvements. All streets shall have at least a double bituminous surface, well drained under normal weather conditions.

(10) Walks. Where walkways are planned or required by the planning commission, they shall be safe, convenient, and shall provide an adequate access for pedestrian traffic.

(a) Common walkways. Shall have a minimum width of three (3) feet.

(b) Individual walkways. Minimum width of two (2) feet.

(11) Service buildings. Shall be of permanent construction, adequately ventilated and lighted, and built in conformity to all city codes and ordinances. All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.

(12) Water and sanitary sewers. Connections shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the plumbing inspector.

(13) Landscaping. Any part of the park area not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, and shrubs.

(14) Lighting. The park shall be adequately lighted.

(15) Required setbacks. Each mobile home shall be set back a minimum of thirty (30) feet from any public street and a minimum of fifteen (15) feet from all property lines.

(16) Parking. Each mobile home park shall provide at least one (1) off-street parking space for each mobile home unit plus an additional space for every four (4) mobile home units for guest parking and two (2) car tenants and for delivery and service vehicles. The parking spaces shall be located for convenient access to mobile home units. Insofar as practicable, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. (1976 Code, § 5-604)

14-305. Permits. (1) Valid permit. It shall be unlawful for any person to operate a mobile home park within the limits of Erwin, Tennessee, unless he holds a valid permit issued annually by the building inspector. All applications for a permit shall be made to the building inspector, who shall issue a permit upon compliance by the applicant with provisions of this chapter.

(2) Property transfer. Every person holding a permit shall give notice in writing to the building inspector within seventy-two (72) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

(3) Original permit. Application for an original permit shall be in writing and have the approval of the planning commission and shall be accompanied by a permit fee of twenty-five dollars (\$25.00). The application shall contain:

- (a) Name of applicant.
- (b) Address of applicant.
- (c) Name of mobile home park.
- (d) Location of mobile home park.

(4) Renewal of permits. Applications for renewal of permits shall be made in writing by the permit holders, and shall be accompanied by the permit fee of twenty-five dollars (\$25.00). (1976 Code, § 5-605)

14-306. Inspection of mobile home parks. The building inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. However, an inspection is required prior to the issuance of a renewal permit. (1976 Code, § 5-606)

14-307. Enforcement. (1) Enforcement officer. These regulations shall be enforced by the building inspector.

(2) Violations. Any person or persons who shall willfully neglect or refuse to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined under the general penalty clause for this municipal code of ordinances. (1976 Code, § 5-607)

14-308. Responsibilities of the management. (1) Supervision. The person to whom a mobile home park permit is issued shall provide adequate supervision to maintain the park in compliance with this chapter and to keep its facilities and equipment in good repair and in a clean and sanitary condition.

(2) Notification of duties and responsibilities. The management shall notify the park residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(3) Placement of mobile home. The management shall supervise the placement of each mobile home on its mobile home lot which includes securing its stability and installing all utility connections.

(4) Register. The management shall maintain a register containing the names of all park residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.

(5) Rental period. No space shall be rented for residential use of a mobile home in any such park except for a period of thirty (30) days or more. (1976 Code, § 5-608)

CHAPTER 4

SHOPPING CENTERS

SECTION

- 14-401. Location restricted; defined.
- 14-402. Application and general procedure.
- 14-403. Preliminary plan.
- 14-404. Minimum standards.
- 14-405. Use regulations.
- 14-406. Height regulations.
- 14-407. Limitations.
- 14-408. Approved general plan.
- 14-409. Permits and licenses.
- 14-410. Enforcement, violations, and penalties.

14-401. Location restricted; defined. No shopping center shall be developed unless located in a district permitting shopping centers. A shopping center is defined as a group of commercial establishments planned, developed, owned, and managed as a unit, with off-street parking provided on the property. (1976 Code, § 5-701)

14-402. Application and general procedure. The owner or lessee of any tract of land comprising an area of not less than two (2) acres may submit to the board of mayor and aldermen and planning commission a preliminary plan for the use and development of all or part of the tract for the purpose of, and meeting the requirements set forth in, this chapter. This preliminary plan shall be referred to the planning commission for study and recommendation. If the planning commission approves the preliminary plan in accordance with the provisions of § 14-408, which shall then be submitted to the board of mayor and aldermen for consideration and action. The approval and recommendations of the planning commission may be accompanied by a report stating the reasons for approval and that the application meets the requirements of this chapter. (1976 Code, § 5-702)

14-403. Preliminary plan. The preliminary plan submitted shall be drawn to scale and shall show all roads and drainage, existing and proposed, drives and parking areas, building lines enclosing the portion of the tract within which buildings are to be erected, typical groups of buildings which might be erected within the building lines shown, boundaries of tracts, and proposed use of land and buildings. The relation of the project to the street system and the surrounding property and to surrounding use districts shall also be shown. (1976 Code, § 5-703)

14-404. Minimum standards. The plan for a shopping center shall meet, as a minimum, the following specifications and requirements:

(1) The aggregate of all buildings proposed shall not exceed thirty percent (30%) of the entire lot area of the project. All buildings shall be set back not less than sixty (60) feet from all streets bounding the project area.

(2) There shall be customer parking facilities as follows:

(a) For recreation or amusement buildings, restaurants, or other establishments serving food or drinks: One (1) parking space for each one hundred (100) square feet of total floor space in the building.

(b) Theater or any place of public assembly: One (1) parking space for each six (6) seats.

(c) Clinic, or medical or dental offices: Five (5) parking spaces for each professional occupant.

(d) Hotel and motel: One (1) parking space for each guest room.

(e) Other permitted uses: One (1) parking space for each two hundred (200) square feet of retail floor space in the building.

(f) Each mercantile establishment shall provide one (1) space ten (10) by fifty (50) feet, for truck loading and unloading, for each ten thousand (10,000) square feet, or fraction thereof, in the building; provided, however, that a loading space adjacent and accessible to two (2) buildings may be used to serve both buildings if the aggregate area of both does not exceed ten thousand (10,000) square feet.

(3) The streets, parking areas, and walks shall be paved with hard surface material meeting applicable specifications of the town engineer.

(4) Any part of the project area not used for buildings or other structures, parking, loading, and access ways, shall be landscaped with grass, trees, shrubs, or pedestrian walks.

(5) The shopping center buildings shall be designed as a whole unified and single project, or in stages following the approved general plan, as described in § 14-408, and separate building permits may be taken out for separate portions of said property. (1976 Code, § 5-704, as amended by Ord. #424, ___)

14-405. Use regulations. A building or premises may be used only for the following purposes:

(1) Stores and shops conducting retail business.

(2) Personal, business, and professional services.

(3) Offices, hotels, motels, and restaurants.

(4) Amusements and recreation.

(5) Business signs, provided they are erected flat against the front or side wall of a building or within eighteen (18) inches thereof. Such signs shall have no flashing, intermittent, or moving illumination and shall not project above the building, and no sign which faces a dwelling district shall be illuminated.

(6) One (1) detached business sign advertising the shopping center may be erected provided the location, height, size, illumination, and description of such sign has been set forth in the application, approved, and shown on the plan. (1976 Code, § 5-705)

14-406. Height regulations. No building shall exceed three (3) stories or thirty-five (35) feet in height, except by permission of the Erwin Planning Commission, provided that this limitation shall not apply to:

- (1) Chimneys.
- (2) Cooling towers.
- (3) Ornamental towers and spires.
- (4) Radio and television towers, antennae or aerials.
- (5) Stage towers or scenery lofts.
- (6) Water tanks and towers. (1976 Code, § 5-706)

14-407. Limitations. Before recommending approval of a plan within the appropriate district, the planning commission may make reasonable additional requirements concerning, but not limited to, the limitation of uses, landscaping, lighting, signs, and advertising devices, screening or planting, setback and height of buildings, paving and location of drives and parking areas, drainage, and the location of access ways, taking into consideration the character of the surrounding area so as to protect adjoining residentially zoned lots or residential uses, to provide for public safety and prevent traffic congestion. (1976 Code, § 5-707)

14-408. Approved general plan. A general plan embodying all additional requirements imposed by the planning commission shall be prepared and submitted by the applicant in the same manner as a plan of a subdivision. This plan, to be known as the approved general plan, shall be drawn to scale and shall show, in addition to requirements set forth in §§ 14-403 and 14-704, the boundaries of the entire district and a certificate by an engineer or surveyor that said boundaries have been surveyed and are correct. In addition, said plan shall bear a form for certificate of approval by the board of mayor and aldermen and a certificate of the owner and trustee of the mortgagee, if any, that they adopt said plan and that the premises are not encumbered by delinquent taxes. After approval by the board of mayor and aldermen, said plans shall be placed on record with the town engineer.

Provided further, that the public health, safety, morals, and general welfare of the city shall be taken into full consideration, by the planning commission, and/or the board of mayor and aldermen in any action coming before it in regard to the matters herein set forth. (1976 Code, § 5-708)

14-409. Permits and licenses. The boundaries of the shopping center district shall be established upon approval by the board of mayor and aldermen.

However, no building permit, use and occupancy permit, nor license to operate a business on the premises, shall be issued until after the approval by the board of mayor and aldermen of the plan for the shopping center or that portion thereof upon which said permit or license is sought. (1976 Code, § 5-709)

14-410. Enforcement, violations, and penalties. All things shown on the approved general plan, upon final approval by the board of mayor and aldermen, become part of the zoning regulations of the district, and nothing in conflict therewith shall be done on the premises shown on the plan. Enforcement and penalties for violation shall be as herein provided as to other zoning regulations. (1976 Code, § 5-710)